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THE DELIVERY OF LEGAL SERVICES IN USAREUR (UNITED
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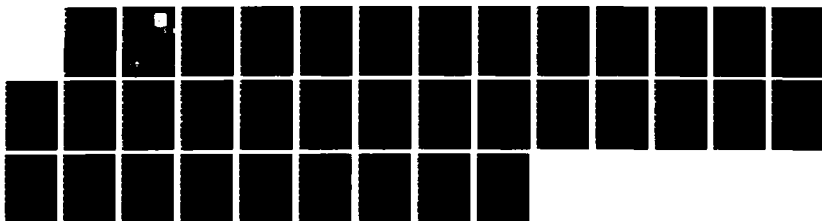
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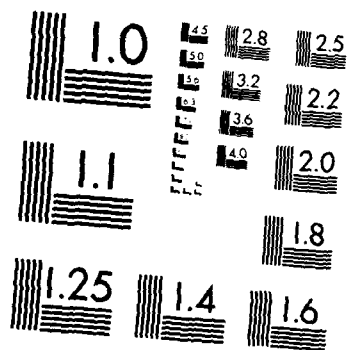
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THE DELIVERY OF LEGAL SERVICES IN
USAREUR: LESSONS FOR ALL
STAFF JUDGE ADVOCATES

BY

COLONEL M. SCOTT MAGERS, JAGC

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USAWC MILITARY STUDIES PROGRAM PAPER

THE DELIVERY OF LEGAL SERVICES IN
USAREUR: LESSONS FOR ALL
STAFF JUDGE ADVOCATES

AN INDIVIDUAL STUDY PROJECT

by

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7 April 1986

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ABSTRACT

AUTHOR: M. Scott Magers, COL, JAGC

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Lessons for All Staff Judge Advocates

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Judge advocates receive considerable legal training through military and civilian schools prior to assignment as a Staff Judge Advocate (SJA). Unfortunately they receive insufficient training in the management principles and theories that should be applied by the SJA in supervising the delivery of legal services in a busy command. An extensive Army Regulation 15-6 investigation into the delivery of legal services in USAREUR during 1984 was reviewed by the author to gain insights into how SJAs can better manage their offices and thus better serve their command. That investigation and the author's experience leads to the conclusion that management instruction during the Career Course and The Staff Judge Advocate Orientation Course at The Judge Advocate General's School, Charlottesville, Virginia, should be substantially increased and that all judge advocates be encouraged to write for publication on management subjects that would be beneficial to those responsible for managing military legal offices.

PREFACE

This Individual Study Project was completed because of the interest by the author in encouraging the discussion of management issues within the US Army legal community. An investigation conducted in 1984 into the delivery of legal services in USAREUR indicates that improved management policies and procedures could have a positive effect on the mission of military lawyers. Lessons from that investigation and the author's own management experiences hopefully will prove valuable to judge advocates with management responsibilities.

Masculine or feminine pronouns appearing in this article refer to both genders unless the context indicates another use.

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DELIVERY OF LEGAL SERVICES IN USAREUR:
LESSONS FOR ALL STAFF JUDGE ADVOCATES

INTRODUCTION

In response to allegations of unfairness in the imposition of military justice in some units in the United States Army, Europe (USAREUR), the Commander in Chief, USAREUR, on 27 Jan 1984 appointed Colonel James E. Noble, Chief Judge, 5th Judicial Circuit "to conduct an informal inquiry into the organization of USAREUR Judge Advocate Offices, minus Berlin and SETAF, to deliver command legal advice."¹ Specifically included in the letter of appointment were directions to COL Noble to inquire into incidents concerning mass apprehensions of suspected drug offenders. COL Noble in a 3-month investigation interviewed commanders and their military lawyers at nearly all major USAREUR installations. The more than 100 interviews were tape recorded and then transcribed verbatim. COL Noble's report contains hundreds of pages of facts, findings, recommendations, and statements that not only respond to his letter of appointment, but also provides a wealth of information concerning the management of military legal offices in USAREUR. In that section of his report dealing with the delivery of command legal advice COL Noble found that "USAREUR Judge Advocate Offices are better organized, better staffed and more appropriately located to provide command legal advice than ever before."² Although COL Noble's report provides a generally favorable appraisal of the performance of Army lawyers in USAREUR, enough weaknesses are noted in the management of the legal offices to require consideration and analysis by all judge advocates (JAs) about how improvements might be

made. Of particular value in determining how the delivery of legal services might be improved are the views of the commanders interviewed by COL Noble.

With some limited exceptions, the findings and recommendations in COL Noble's report were approved on 8 Aug 1984 by the Commander in Chief, USAREUR.³ Subsequently, The Judge Advocate, USAREUR, provided the Staff Judge Advocates (SJAs) of the general court-martial convening authorities in USAREUR with a copy of the report, minus the verbatim statements. At that time SJAs were asked to review their office organization and management to include the possible consolidation of legal assets, rating schemes, job statements and standard operation procedures (SOPs), and the training of the JAs advising special court-martial convening authorities.⁴ As would be expected, COL Noble's report was the topic of much conversation within the USAREUR legal community and was the formal and informal subject of discussion at subsequent conferences attended by USAREUR JAs. Based on the situation in their individual commands, SJAs throughout USAREUR made necessary changes in their office organization and management as suggested by COL Noble's report.

The purpose of this article is to highlight a few of the findings in COL Noble's report as a vehicle to discuss managing a military legal office. My access to the complete report of investigation allowed me to review the many statements from commanders and JAs at several levels of responsibility and experience. Although only a few of these statements are specifically cited in this article, it was my observation that the responses to COL Noble's questions fell into consistent patterns depending on who was being interviewed: SJAs found it difficult to

manage their personnel who are spread over a large geographic area; OICs felt a need for more contact with their SJAs; first and second term captains felt a need for more experience and supervision; and brigade level and below commanders, although generally pleased with the legal advice they were receiving, recognized the inexperience of their legal advisors. As a military lawyer who recently served as a SJA in USAREUR I believe the insights gained from the report will be beneficial to those responsible for managing military lawyers and delivering legal services. This article is not intended to be a comprehensive treatment about how to manage an SJA office or a thorough discussion of current management theory, but it will hopefully stimulate thought and discussion on this important subject. I recognize that some JAs consider their management responsibilities less a priority than providing sound legal advice. However, I suggest that a busy legal office that is not well organized and managed will soon experience a degradation in the quality of the legal advice provided. I also anticipate that some JAs will disagree with suggestions I make in office organization and management as there is clearly, "no one way to run an office." Any such disagreement will only enhance the discussion, study, and analysis that is needed to improve the management abilities of individual JAs. The findings of COL Noble's report do indicate that insufficient emphasis has been placed on the management training of SJAs and other military lawyers in management positions.

Although the focus of this article will be the organization and management of an office headed by a SJA of a general court-martial convening authority, the findings from COL Noble's report and my discussion should prove helpful for military lawyers managing at all

levels of responsibility. COL Noble's findings concerning mass apprehensions in USAREUR will not be discussed. Issues involved in some of those apprehensions are presently in litigation and will likely result in guidance from the Court of Military Appeals on this important subject. The problems that arose from the improper procedures followed by commanders and criminal investigators while conducting specific mass apprehensions may indicate questionable legal advice, but any comment on those incidents would be beyond this more general discussion of management issues highlighted by COL Noble's investigation. It is the thesis of this article that the SJA who is applying widely recognized management principles and theories will decrease the likelihood of his personnel providing improper legal advice on any subject.

SERVING THE CLIENT

A fundamental question faced by managers of all organizations is how well the organization is providing the service or product for which it was created. Thus, the SJA must be concerned about whether commanders, their staffs, legal assistance clients, and others eligible for legal support are receiving the high quality advice they deserve. Feedback on this issue is available through client satisfaction surveys, comments from commanders on Officer Efficiency Reports, and informal statements from those receiving advice. COL Noble's report reflects that commanders are generally very pleased with the legal support and advice they are receiving in USAREUR. Nearly all commanders stated that they often conferred with "their lawyer" and considered the JA a full member of their staff. This is not a new development nor is this appreciation for the military lawyer's advice confined to USAREUR. A

commander's willingness to follow the advice of a JA is likely based on an understanding that command and installation problems have become increasingly complex over the years. The Judge Advocate General's School (TJAGSA) course, Senior Officer Legal Orientation, has made a significant contribution in convincing commanders of the importance of legal advice to mission accomplishment.

Although commanders generally expressed confidence in the advice they were receiving, many expressed to COL Noble a concern for the lack of military experience by many of the junior JAs who were providing advice at the special court-martial convening authority level and below. One senior officer felt the junior JA providing him advice did not understand "the functioning of a large organization or the soldiering aspects of a large organization" nor did he believe the lawyer understood the life style of the soldiers the company level commanders dealt with when taking disciplinary action.⁵ Concern about the depth of a junior JA's experience can quickly turn into a question concerning the officer's competency and a subsequent reluctance by the commander to either seek or follow legal advice.

The need to provide experienced JAs to advise commanders at the special court-martial convening authority level and below is a particular problem in USAREUR where the wide dispersion of troops results in many SJAs being forced to place inexperienced officers in branch offices near commanders and soldiers, but many miles from the main legal office serving the area general court-martial convening authority's jurisdiction. Often these branch offices are staffed by only one or two JAs who are serving in their first or second tour of

duty. The importance of this problem was stated by COL Noble in his report:

The one JAG branch office is the most significant management problem in USAREUR JA operations. It represents a great potential for providing inadequate legal advice to commanders, for insensitive feedback of information to the SJA and for poor management, supervision and training of inexperienced lawyers. Despite the hard work and dedication to duty of the JAG officers assigned to one JAG branch offices they practice in a situation of peril that would mandate a civilian law firm increasing considerably its malpractice liability insurance limits.⁶

The issue of experience is one primarily of training and the responsibility for that training belongs with the SJA. One of the general officers who provided a statement to COL Noble complimented a corps SJA by stating this particular SJA did a great job because he "trained lawyers."⁷ The training responsibilities of the SJA are fundamental to his duty to ensure that all of his subordinates are providing the highest quality legal advice. The need for training subordinates is part of good management of a legal office, but requires some separate discussion.

THE SJA AS A TRAINER

The SJA who is concerned about training his subordinates faces a difficult task. He has military lawyers, enlisted service members, and civilian personnel of varying degrees of talent, education, experience, and commitment, who are performing a variety of duties within the office. Certainly it can be expected that each individual has a basic level of knowledge and competency, but in the case of a direct commission JA recently graduated from the TJAGSA Basic Course, his

understanding of the Army and the lawyer's role in the Army will be limited at best. This particular problem received good analysis from Major Jack B. Patrick in his article, Judge Advocate Training and Learning: "Newbees" and the Boss, DA Pam 27-50-154, Oct 1985. As Major Patrick stated: "Supervisors must evaluate the personal and professional needs of subordinates and then give them the training and tools to do their jobs."⁸

This need to train or teach subordinates is a part of the concept of mentoring that is so much a topic of conversation in today's Army. The Chief of Staff of the Army, General John A. Wickham, Jr., wrote in a letter to his subordinates, "All leaders are teachers, and teaching is a part of mentoring." General Wickham went on to state that "mentoring is a key way in which we exercise leadership and strengthen Army values. Giving of ourselves by sharing our knowledge and experience is the most important legacy we can leave to those who follow."⁹

One individual who certainly needs the benefit of the SJA's experience and teaching is the Deputy Staff Judge Advocate (DSJA). Several years ago I wrote in The Army Lawyer that "the job of DSJA is neither understood nor popular."¹⁰ It is my opinion that the position of DSJA is now much sought after as a career rewarding and enhancing assignment that is of great value to those seeking to serve as SJAs. Clearly the position is key to the successful management of a busy legal office and the delivery of high quality legal advice and services. Each SJA will define the role of his deputy differently. However, there are some basic principles concerning the role of the DSJA that should be considered by all SJAs. Because the SJA will periodically be absent from his office for leave, temporary duty, or even illness, the DSJA

must be prepared at all times to serve as Acting SJA. This means that he must be familiar with all actions within the office and that he must not concentrate in only one area of the law or management of one section of the office. To gain the experience which prepares him for not only the role of Acting SJA but also future assignment as an SJA, the DSJA should see virtually all actions that require the SJA's signature and most actions that leave the office without the SJA's signature. Within the guidelines established by the SJA, it should be the responsibility of the DSJA to make those personnel and administrative decisions that are necessary for the smooth operation of the office. If the DSJA does not have this responsibility, his authority and prestige within the office will be such that his value to the SJA will be of small importance.

In this area of office management the DSJA can make good use of a properly developed standard operation guide (SOP). Although SOPs will be discussed later in this article, their importance in establishing how various tasks will be performed cannot be over emphasized. Other written guidance concerning internal office management procedures or policy should be signed by the DSJA to assist him in establishing his role in office management. Many of the junior JAs who were interviewed by COL Noble mentioned the importance of receiving advice from the DSJA on issues that did not require the SJA's attention or at times when the SJA was not available. Although in USAREUR the DSJA is not always in the rating scheme of the officers in charge (OIC) of the branch offices, I am of the opinion he should be formally involved in their rating to ensure his effective assistance in supervising those officers. The SJA and DSJA who have systematically settled on a management philosophy and

policy for their office will serve as a management team that will not only be prepared to provide the necessary training for their subordinates, but will also ensure the advice and services provided by those subordinates meet the highest professional standards. The SJA's training responsibility toward the DSJA will be served by providing the DSJA the maximum opportunity to make decisions concerning routine office administration and substantive law issues.

Some of the most significant findings of COL Noble's report dealt with the SJA management of the OIC of the USAREUR SJA branch offices. Those findings provide suggestions on how the OIC might be better prepared to perform their responsibilities. He found that:

Adequate recognition is not given to the true role the field grade branch OIC of a busy branch office has in providing legal services. Neither is his job description defined adequately to illustrate properly that role. Most often it is not defined at all except by understanding between the Command SJA and the Branch Office OIC. The OIC of a significant branch office who provides command legal advice to Brigadier Generals and Colonel-Brigade Commanders is essentially a Staff Judge Advocate.

Failure to define clearly the duties and responsibilities of branch office OIC is a management omission. Definition of duties and responsibilities in an Officer Efficiency Report is a poor substitute for a clearly written job description implemented in a clear management framework.

Briefing and preparation of JAs to be OIC of a branch office, and to provide legal advice to senior commanders, should receive more attention.¹¹

Although branch offices are more prevalent overseas than in the United States, the issue of how to prepare and then manage those officers assigned as OIC of branch offices deserves consideration by all SJAs who supervise JAs who are independently advising commanders and

their staffs. In USAREUR there has been a generally successful attempt over the years to increase the rank and experience level of those assigned to these rewarding, but difficult jobs. It would be preferable if all large branch office OIC were TJAGSA career course graduates. Most career course graduates serving as OIC told COL Noble that they felt the course had done a good job preparing them for the OIC position although one officer specifically stated he felt least prepared in the area of management.¹² For those OIC who have not attended the career course, the lack of management training and generally shallow experience in the various areas of military law may cause a feeling of inadequacy in this difficult position.¹³

COL Noble's findings concerning OIC of SJA branch offices in USAREUR can be summarize by three major points: 1. The role and responsibilities of the OIC is not clearly understood; 2. the OIC receives inadequate preparation for the job; and 3. the OIC is not supervised within "a clear management framework." These points serve as a vehicle to discuss how the SJA might assist the improved performance of the OIC.

Defending the OIC Role and Responsibilities

The problem of OIC not thoroughly understanding their jobs was illustrated in the statement from one experienced OIC when he told COL Noble that some of the OIC he spoke with at USAREUR conferences seemed to be "out just wandering around on their own" when it came to performing their jobs.¹⁴ Whether the majority of OIC are confused about their roles is questionable although COL Noble's suggestion for written guidance from the SJA to the OIC would be helpful. This guidance could be included in the office SOP or in a separate document that would be continually reviewed as mission needs change. One obvious purpose of written guidance is that it reduces misunderstanding between the SJA and the OIC and it serves as a readily available guide for the OIC as he manages his branch office. Having created a document setting forth how the SJA expects the OIC to perform his job does not substitute for the larger SJA responsibility to ensure through routine contact that the OIC understands the guidance.

One of the most critical inhibitors in USAREUR to this important communication is the distance between the offices of the various SJAs and their branch offices. Many offices are 1 hour driving time apart and in some jurisdictions the distance is much greater. All OIC interviewed by COL Noble felt it was very helpful to have the SJA visit their branch office on a routine basis and many expressed the view that the visits were not frequent enough. An SJA visit is an obvious opportunity to discuss the daily problems and broader responsibilities the OIC faces.

COL Noble's investigation indicates that in most jurisdictions there are frequent telephone conversations between the OIC and the DSJA or SJA. This means of communication is extremely important to ensure the SJA is appraised quickly of developing problems and the OIC receives guidance that might impact on the branch office. Routine telephone conversations also develop relationships between the OIC and his superiors which should result in a more comfortable and open attitude when faced with solving crises. However, telephone communications do not have the same value of face-to-face conversations that by their nature allow for a more thorough, relaxed, and satisfying discussion. It is through these personal meetings that the SJA and the OIC can best define the role and responsibilities of the OIC.

I was a SJA in USAREUR responsible for branch offices and I had previously served as an OIC of a branch office in the same division. Based on that experience it is my opinion that the time and effort the SJA spends in visiting the branch offices is well worthwhile. I would recommend that a monthly visit is appropriate. If the time between visits is much shorter the OIC may receive more supervision than is necessary and if the visits are less frequent they become too big an event in the daily operation of the office. Several of the OIC saw the greatest importance of the visit as an opportunity to show the enlisted personnel that the SJA was interested in the work of the branch office and appreciated the work being performed there.¹⁵ During these visits time should be taken to speak with enlisted personnel, civilians, and the junior captains to reflect that the SJAs are interested in all legal services being provided by the office. I found it helpful early in my assignment to schedule a luncheon with the enlisted personnel in

each branch to become better acquainted with them and to gain an appreciation of the problems they faced in their work. I understand that there are some jurisdictions in USAREUR where the number and distances of branch offices make monthly visits difficult. However, after the experience of two tours in USAREUR, I am absolutely convinced of the importance of these visits and I am concerned that SJAs too often find excuses to avoid this critical responsibility.

In summary, these routine visits help in developing the communication between the SJA and the OIC that is so important to the OIC understanding his job. One brigade level commander in responding to CO' Noble's questions concerning the relationship between the branch office lawyers and the SJA responded with the following statement: "he (SJA) seems to know what the hell these guys are doing all the time. . . They seem to have a good network where they are tuned into each other and communicate very well."¹⁶ With that level of communication it is probable the OIC will understand his role and responsibilities.

Preparing the OIC for His Job

COL Noble's finding that OIC do not receive adequate preparation for the job has been discussed above by my comments concerning the policy of assigning more experienced officers as OIC. The SJA role in providing this experience is limited to ensuring the young officers assigned to his office receive the widest and best possible job training in the positions that are available. This means that every effort should be made to provide job rotation on about a yearly schedule for the first or second term JAs. The SJA may not be developing a middle

manager for his own office, but the officer who is provided this broad experience will later be available to serve as OIC of an SJA branch office in USAREUR or a similar position in another part of the world.

The SJA also has a responsibility in preparing officers for OIC positions which goes beyond providing them broad work experience and defining their roles and responsibilities. In his role as a trainer or mentor the SJA must spend time with younger officers passing on to them the lessons and values he has learned through his experiences as a military officer and as a lawyer. This includes not only how to resolve legal conflicts, but how to understand and serve commanders and staffs, how to deal with superiors within The Judge Advocate General's Corps, how to maintain proper professional relations with members of the Trial Defense Service and the Trial Judiciary, how to maintain high personal and professional ethics, and other wisdom too numerous to list.

Receiving the benefit of the SJA's experience is particularly important for the officer serving as an OIC as he is in a position of directly supervising young officers who must be taught the special demands of serving as a professional in the law and in the military.

There is no one best way for the SJA to assist his subordinates in developing the skills necessary for successful management, but it is suggested that the SJA use frequent social and professional contacts to share the lessons from his own experiences. To be successful in most fields one must be more than technically proficient. This is true in the law and is certainly true for military lawyers. Understanding the nuances of the military practice of law is important and should be a subject within the teaching responsibility of more senior military lawyers.

THE SJA AS A MANAGER

COL Noble's finding that OIC should be supervised within a "clear management framework" deserves specific comment and analysis.¹⁷ There is clearly no "one way" to successfully manage a military legal office although there are some fundamental principles of good management and organization that have proven effective over the years in USAREUR and elsewhere. Management has historically received only limited attention in the formal education of Army JAs. The career course student at TJAGSA has been receiving classes in the subject only since the early 1970s, the Law Office Management Course was started at about the same time, and the SJA Course provides only a few hours of instruction. However, there seems to be a growing awareness of and interest in the management responsibilities of the SJA. One indication of this is the great popularity of a seminar conducted the last several years at The Judge Advocate General's World Wide Conference in Charlottesville, Virginia. This seminar focuses on the management problems of the SJA and provides an opportunity for SJAs to exchange ideas on these problems.¹⁸ Similar seminars are conducted at USAREUR SJA conferences to the benefit of all participants. Based on my participation in these seminars, my reading of COL Noble's report of investigation, and my previous experience of teaching management at TJAGSA, it is my opinion that most SJAs are eager to improve their management skills and to learn from the experiences of their peers. The difficulty is that there are too few opportunities for the exchange of ideas on management and there has been little written on the management

of a legal office in the Army Lawyer, the most appropriate forum.¹⁹

The many statements from JAs and commanders concerning the delivery of legal services contained in COL Noble's report of investigation provide a framework for discussing some principles of good office management that may assist the JA interested in improving his own skills.

Develop Written Policies, Procedures, and Standards

Being well organized is a trait of most good managers. In the context of managing a legal office, this means that policies, procedures, and standards are set forth clearly in writing. An office SOP is often used, but too often the SOP is an outdated general statement of the office mission that can be found on the top row of the oldest bookcase in the library. The SOP should be a living document which not only sets forth current policies, procedures, and standards, but also provides a compilation of detailed steps or checklists on how various office functions are performed and by whom. These checklists may deal with the processing of a general court-martial referral, a report of survey, or a household goods claim, but the checklists should be so clear and complete that a legal specialist with little training or experience can successfully complete his assigned task.

Desk books for trial counsel and administrative law officers should also be compiled to supplement SOPs and provide specific guidance to officers working in these special areas of the law. Through the use of these desk books the SJA is able to provide written guidance on how to respond to questions that reoccur in a busy office. The desk books also should contain forms, formats, and standard letters that are being used on a routine basis. The purpose of these desk books is to ensure high

quality professional products by suggesting proper legal and evidentiary analysis, streamlining research efforts, and developing consistency. Particularly for the officer new to the office or the Army, it is extremely helpful to know exactly how the SJA wants a particular task completed and to have for review as often as necessary the policies and procedures that are to be followed. For examples, the trial counsel desk book should have a detailed discussion of how to develop a good working relationship with brigade level and below commanders and the administrative law desk book should explain how to review a report of survey for legal sufficiency and then provide the exact format that should be used in sending this advice to the appointing authority. Other desk books should be developed in those areas of the law where advice is routinely being given and standardization would assist in the delivery of the service or advice.

Establish Routine

The experienced SJA will develop as much routine in his work habits as possible without eliminating the flexibility that is always necessary if he is to respond properly to the crises that arise. Routine is important to subordinates who are responsible for moving legal actions to the SJA for either guidance, decision, or signature, and who need some assurance in planning their own work that the SJA will be available when needed. It is a common failure of many managers to allow actions that need attention to remain in an "in-box" much longer than is necessary for proper consideration. This trait is often detrimental to the organization and is hard on the morale of subordinates. Part of the

routine of each SJA should be to spend time every day making those decisions and "moving" that paperwork that need to flow through the office in support of commanders and their staffs. Establishing routine is a time-management skill. Time-Management is important to the successful manager in any field. How to apply time-management techniques to a military legal office deserves special consideration in a future article.²⁰

Delegate

The ability to properly delegate to subordinates is one of the toughest and most important management skills to be learned by the SJA. This issue was often raised by the SJAs and junior JAs who provided statements to COL Noble's investigation. Even in the case when an SJA might be dealing with an experienced OIC or trial counsel there is a tendency for the SJA to go beyond providing guidance and allowing the subordinate to perform the task, to over managing the officer and becoming involved in even the smallest detail.

The point can best be illustrated by considering again the mission of an OIC in a typical SJA branch office in USAREUR. Assuming the OIC has the necessary experience and ability to perform the job, the SJA should have delegated to the OIC orally and in writing the responsibility for ensuring the delivery of high quality legal services in his community. In my opinion this degree of delegation is important in all areas of the law and includes giving OIC supervisory responsibility over trial counsel who are providing advice to commanders

within the branch office community. This means that routine guidance or assistance a trial counsel might need should first be sought from the OIC. The chief of military justice, DSJA or the SJA serving in a distant location should only be contacted if the OIC is not able to provide the necessary assistance. This level of delegation enhances the position of the OIC, serves to provide him the broad supervisory experience that he will need at a later stage of his career, and frees the chief of justice, DSJA, and the SJA to concentrate on more critical aspects of their jobs. This type of broad delegation assumes the OIC will keep the SJA or DSJA informed of any significant problem or issue which might arise in his community.

In its simplest terms, proper delegating means not performing a job that a subordinate is getting paid to perform. Thus the SJA should not be his own action officer except in the special "close-hold" tasks for the chief of staff or the commanding general too sensitive for involvement by others. This is a very hard lesson for managers to learn because they reached their level of responsibility performing as successful action officers and they still believe they can out perform their subordinates in any given task. An SJA's ability to quickly and accurately provide legal memoranda on a wide variety of subjects may well exceed their subordinates. However, there are two very good reasons why they should resist the temptation to become just another action officer: first, part of the SJA's training responsibility is to assist the development of his subordinate's ability to analyze, research, write, and brief legal opinions; and second, the SJA who is busily performing the role of an action officer is likely neglecting those management functions required to ensure quality legal services are

being provided throughout his area of responsibility. Delegation is certainly easier in a larger office than in a smaller one, but most successful managers have learned its importance.

Meetings--Are They Worthwhile?

I have discussed the need for written direction and guidance for subordinates, the need for routine phone conversations with OICs, and the importance in USAREUR for the SJA to visit his branch offices. Another means of communication is through meetings. In several jurisdictions in USAREUR, OIC meetings conducted at central locations are the main method the SJA utilizes to have personal contact with his OIC. In my opinion these meetings should not substitute for the previously discussed SJA visits to branch offices, but they are a beneficial part of a successful SJA's management program. Nearly all JAs who provided statements to COL Noble found meetings with their peers and supervisors extremely valuable and expressed the desire to increase the frequency of professional meetings. It was my experience that meetings routinely scheduled for legal assistance officers, trial counsel, and JAs performing administrative law work were as useful as those for my OIC. The purpose of the meetings is to give guidance, learn of problems, exchange ideas, and develop working relationships that are important to the esprit de corps of the office. The meetings should be held every 4-6 weeks and be conducted from an agenda to assist in providing direction to the meetings. For SJA offices in the United States where JAs performing similar work are located on the same installation, meetings will serve the same purposes.

Follow-Up On Guidance Provided

The importance of written and oral guidance to ensure subordinates understand what is expected of them as they perform their duties has been explained, but the experienced manager knows that without checking to see if the guidance is being followed, the purpose of the guidance may never be realized. The SJA, like any other manager, must devise ways to "follow-up" to see if his guidance is being ignored. Weekly reports are helpful to ascertain whether courts-martial are being processed as expeditiously as directed or claims are being paid in a timely manner. Legal assistance letters and administrative law reading files can be skimmed to ensure formats and quality standards are being met. Notes questioning the progress of certain significant actions can also serve to remind subordinates of the SJA's interest in their work. Whatever method the SJA might use, it is important for subordinates to understand that although they will be delegated responsibility commensurate with their experience and ability, the SJA will fulfill his responsibility to periodically check and evaluate their work. In summary the SJA or his DSJA must routinely check to ensure that guidance is being followed throughout the office.

Work Performance Standards

No discussion of management would be complete without comment on the importance of setting high professional standards for the work that is being done by the organization. The SJA who clearly communicates the

policies and procedures that should be followed by his subordinates, who checks to ensure compliance, and who has established high standards for work accomplishment will find his office developing a reputation for outstanding delivery of legal services. There must never be any compromise on quality because of the importance of sound legal advice to the client's interest. COL Noble expressed concern about this issue of providing quality legal advice when he stated in the section of his report, Other Observations Pertinent to USAREUR OSJA Activities: "The thought persisted throughout the investigation that OIC and legal advisors are not critically aware of how detrimental their advice could be to soldiers of a brigade or to the brigade commander's career, if that advice was wrong."²¹ The problem of ensuring high quality legal work is exasperated in the SJA office because of the need to continually train new lawyers and provide opportunity for more experienced JAs to work in different areas of the law. This issue is interrelated with the SJA training responsibilities and need to check subordinates' work which has previously been discussed. All personnel in the office must understand the need for high standards and must recognize that after review by a superior legal opinions may have to be revised prior to dispatch. The reviewer should not change "happy to glad," but all legal writing must be clear, concise, well researched and correctly analyzed. The junior JA who is not held to high standards of performance will not experience the professional development which he will need for success in his career and future positions of responsibility.

CONCLUSIONS AND RECOMMENDATIONS

Assignment as a SJA is a rewarding experience that requires not only a lawyer knowledgeable in a wide spectrum of military law, but also an individual who understands and is willing to apply sound management principles to the organization and administration of his office. COL Noble's investigation in the delivery of legal services in USAREUR during 1984 provided insights into how SJAs can better manage their offices and thus better serve their commands. Although SJAs receive considerable legal training through military and civilian schools prior to being placed in this critical position, their management training and education is often inadequate. Fortunately, the Judge Advocate General's Corps has the opportunity to correct this deficiency by increasing the amount of management instruction provided at courses at TJAGSA. In particular it is my recommendation that instruction during the Career Course increase the emphasis on management issues in each subject area. It is not enough to know the substantive law--the successful JA must understand the administrative, procedural, and practical problems he will encounter in providing legal services. I also recommend additional time be added to the SJA Course during which the students would concentrate on the many management problems that will take so much of their time and effort when they become SJAs. It is a well known fact among SJAs that their most difficult problems do not concern complex legal issues, but involve crisis of personnel and administration that if not properly resolved can have a disastrous effect on the office mission.

The list of management related subjects that could be discussed at both the Career Course and the SJA Course is almost endless, but could include: rating subordinates, husband-wife lawyer teams, office social programs, using the JACC technical channels, time-management techniques, military justice case processing, decision-making, interpersonal sensitivity, stress management, and ethical issues involved in assignment policy. The importance of technical proficiency in the law is not to be underestimated, but the military lawyer in a management position has the added responsibility to ensure that the numerous clients seeking counsel in a variety of legal subjects all receive advice that is both timely and professional. Successfully meeting this responsibility requires a manager who knows how to motivate, supervise, teach, communicate, and set standards. These are all skills which can be learned and are worth the additional teaching time at the courses intended to assist the military lawyer in management positions.

Although an increase in the management subjects taught at TJAGSA would be a positive development, it is also suggested that military lawyers increase their writing for publication on management topics. Many of the subjects listed above as topics for discussion in management courses at TJAGSA could also be subjects for articles written for publication. Many innovative ideas are being developed in military legal offices around the world concerning better ways to deliver legal services. The analysis and discussion of these ideas and other management issues in The Army Lawyer would benefit a large number of JAs who want to develop and improve their management skills. The intent of

this article was to contribute to the study of management within The Judge Advocate General's Corps and encourage thinking, discussion, and debate on this subject.

ENDNOTES

1. COL James E. Noble, Army Regulation 15-6 Investigation of USAREUR Legal Offices, 6 May 1984, TAB A (Noble Investigation).

2. Ibid., FACTS, Section III. COL Noble continued in this section by saying: "The assigned lawyers are also better trained and have more experience collectively, than any group of lawyers previously assigned to USAREUR. The offices are generally well located to support troop population centers."

3. COL Noble had recommended that "consideration be given to designating OSJA Branch Office OICs as Staff Judge Advocates to reflect properly their duties and to enhance their status as supervisory lawyers in the JAG Corps." This recommendation was disapproved and changed to read as follows: "OSJA Branch Office OICs have many responsibilities similar to those of SJAs and must be trained accordingly." Ibid., Section VIII Form 1574, TAB B.

4. BG Ronald M. Holdaway, Judge Advocate USAREUR, Letter to Author, August 1984.

5. Noble Investigation, Exhibit 4, p 17. This commander also stated in reference to this JA, "I felt less comfortable with his advice because, very truly, he was--I think he was uncomfortable. My perception is that he was uncomfortable with criminal law and that his comfort was more in administrative law, tax law. . . . My commanders, from the bottom up, were telling me they weren't getting consistent advice, battery-level commanders. He just wasn't as well prepared to be a special court-martial advisor as was Captain. . . ."

6. Ibid., Paragraph 6, FINDINGS, Section III.

7. Ibid., Exhibit 147, p. 4.

8. MAJ Jack B. Patrick, Judge Advocate Training and Learning: "Newbees" and the Boss, DA Pam 27-50-154, October 1985, p. 7.

9. GEN John A. Wickham, Jr., Chief of Staff, Letter to Subordinates, May 1985 (undated).

10. MAJ M. Scott Magers, Role of the Deputy Staff Judge Advocate, DA Pam 217-50-69, September 1978, p. 18.

11. Noble Investigation, paragraphs 3-5, FINDINGS, Section III.

12. Ibid., Exhibit 97, p. 16. This officer stated that:

"I had done a little bit of just about everything before I came here. And then the experience in the Graduate Course helped. I felt relatively well prepared. I think where I felt the weakest was in areas of management. The kinds of things that you look to a Warrant Officer or a Senior NCO to assist in managing. I had never been involved in that and not having a Warrant Officer here, not having the depth of experience in a branch that you have in a large office. I think our weakest link is in the management or administrative area."

13. In response to a question from COL Noble concerning how management instruction at TJAGSA could have helped a non-Graduate Course Captain, the officer responded: "Mostly it's just a matter of the little things of how best to run an office." Ibid., Exhibit 36, pp. 9-11

14. Ibid., Exhibit 174, p. 13.

15. Ibid., Exhibit 36, p. 14.

16. Ibid., Exhibit 168, p. 6.

17. Ibid., Paragraph 4, FINDINGS, Section III.

18. At the 1985 conference the seminar topic was "SJA Office Management: What are the Trade Secrets?" The seminar purpose was "to provide a forum for exchange of management experience and ideas among SJAs." Administrative Handbook, 1985 JAG Conference.

19. In addition to those previously cited the following articles concerning management topics have appeared in The Army Lawyer over the last several years: LTC Archibald M. McColl, "The Small OSJA", DA Pam 7-50-86, February 1980; CPT Lawrence A. Gaydos "The SJA as the

Commander's Lawyer: A Realistic Proposal, DA Pam 27-50-128, August 1983; CPT Michael L. Stevens, "Law Office Automation and the Judge Advocate General's Corps," DA Pam 27-50-132, December 1983; and MAJ Chuck R. Pardue, "Ten Steps to a More Successful Legal Assistance Practice," DA Pam 27-50-154, October 1985.

20. An excellent introduction to time-management principles is found in the Time-Life Video course series, Time Management for Managers. VIDEORECORDING. Los Angeles: Time Life Films, 1980. (VIDEO CASSETTE HD38 T55). The course contains 6 videocassettes, workbook and trainer's manual. The subjects included are: principles of management, decision-making, delegating, scheduling, managing interruptions, and personal and professional time-management.

21. Noble Investigation, paragraph 1.c., FACTS, Section V.

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